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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/653,021 | 08/29/2003 | Huitao Luo | 200310865-1 | 2093 |
| 22879 7590 02/26/2008 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400 | | | EXAMINER CHAWAN, SHEELA C | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2624 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 02/26/2008 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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|------------------------------|-------------------------------|----------------------------|--|
| Office Action Summary | Application No. 10/653,021 | Applicant(s) LUO ET AL. | |
| | Examiner Sheela C. Chawan | Art Unit 2624 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 10, 18-22, 30-33, 37-45, 49-57, 61-63 and 68 is/are allowed.
- 6) ☒ Claim(s) 1 and 58 is/are rejected.
- 7) ☒ Claim(s) 2-17, 23-29, 34-36, 46-48, 59-60, 64-67 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓ | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 11/19/07 has been entered and made of record.
Claims 1-68 are pending in the application.

Response to Argument

2. Applicant's arguments, see page 14 of the remarks, filed 11/19/07, with respect to Claims 1 and 58, have been fully considered and are persuasive. The rejection of claims 1 and 58 has been withdrawn.

Applicant's arguments see page 14 -19, of the remarks, filed 11/19/07, with respect to the rejection of claims 1 and 58, under 102 (e) rejection have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of Meckes et al., (US. 2003/0044063 A1).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United States only if the

international application designated the United States and was published under Article 21 (2) of such treaty in the English language.

Claims 1 and 58, are rejected under 35 U.S.C. 102(e) as being anticipated by Meckes et al., (US. 2003/0044063 A1).

As to claim 1, Meckes discloses a method of processing an input image, comprising:

sub-sampling the input image (note, using scanner reading out auxiliary film data such as magnetic strip of an APS film image a low- resolution pre-scan to determine the image content in a rough raster, CCD lines are used for such pre-scans, the auxiliary film data are either read out with the same CCD line that is used for the image content or are collected using a separate sensor, page 3, paragraph 0032) to generate a thumbnail image comprising a reduced-size version of the input image in its entirety (note, using exclusion criteria to generate a image which is reduced image data set corresponds to thumbnail image as compared to a data set used for detecting red-eye-defects, reduced image data set is a low-resolution image data set, the step of pre-scanning in low-resolution a film containing the image data which is present in digital form the step of reducing the resolution of image data where in the resolution reduction step of generating a gray scale image data page 1 paragraph 0009, page 2, paragraph 0014, 0015, 0016); and

detecting redeye pixel areas in the thumbnail image (note, processing digital photograph image data for automatic detection of red- eye defects is applied to

the image data in which the step of analyzing at least one exclusion criterion prior to detection of red-eye defects , page 1, paragraph 0009, page 2, 0024, 0025, 0027, page 3 paragraph 0035, page 4 paragraph 0038, 0040, 0042, 0043,0044).
As to claim 58, see the rejection of claim 1 above.

Allowable Subject Matter

4. Claims 9-10, 18-22, 30-33, 37- 45, 49-57, 61,62,63,68 are allowed.

Allowable Subject Matter

5. Claims 2-17, 23- 29, 34 - 36, 46- 48, 59 –60, 64-67 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is. 571-272-7446. The examiner can normally be reached on Monday - Thursday 7.30 - 6.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sheela Chawan
Patent Examiner
Group Art Unit 2624
Feb 7, 2008


SHEELA CHAWAN
PRIMARY EXAMINER